

108TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

Mr. CORNYN (for himself and Mr. LOTT) introduced the following bill; which  
was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To authorize the States to implement such mechanisms as  
are necessary to ensure the continuity of Congress in  
the event that one-fourth of the members of either the  
House of Representatives or the Senate are killed or  
incapacitated.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Continuity of Congress  
5       Act of 2003”.

1 **SEC. 2. FILLING OF VACANCIES AND INCAPACITIES IN CON-**  
2 **GRESS FOLLOWING A CATASTROPHIC INCI-**  
3 **DENT.**

4 (a) HOUSE OF REPRESENTATIVES.—

5 (1) IN GENERAL.—In the event that one-fourth  
6 of the members of the House of Representatives are  
7 killed or incapacitated, the legislature of each State  
8 may enact such laws declaring who shall serve in the  
9 place of such members as the State determines nec-  
10 essary.

11 (2) OPTIONS.—Any law enacted under para-  
12 graph (1) by the legislature of a State may provide  
13 for—

14 (A) special elections in cases of vacancy;

15 (B) appointment by the governor or legis-  
16 lature of the State, which in cases of vacancy  
17 shall be accompanied by a subsequent special  
18 election;

19 (C) appointment pursuant to a list of suc-  
20 cessors created by the incumbent member of the  
21 House of Representatives, which in cases of va-  
22 cancy shall be accompanied by a subsequent  
23 special election; or

24 (D) such other procedures as the legisla-  
25 ture of the State determines appropriate, which

1           in cases of vacancy shall be accompanied by a  
2           subsequent special election.

3           (3) INCAPACITY.—A member that has been in-  
4           capacitated may reclaim his or her office at any time  
5           after such member determines that he or she is no  
6           longer incapacitated.

7           (4) VACANCY.—In the case of vacancy under  
8           paragraph (1), the executive authority of the rel-  
9           evant State shall issue writs of election, which shall  
10          be held not later than 120 days after any such va-  
11          cancy occurs. A general election occurring within  
12          such 120 day period shall be deemed to satisfy the  
13          requirements of this section.

14          (5) DETERMINATION.—One-fourth of the mem-  
15          bers of the House of Representatives shall be consid-  
16          ered to have been killed or incapacitated if—

17                (A) the Speaker of the House (or that per-  
18                son's designee) makes a joint declaration with  
19                the leader of the minority party in the House  
20                (or that person's designee) that one-fourth of  
21                such members have been killed or incapacitated;  
22                or

23                (B) if—

24                    (i) the governors of the several States  
25                    individually certify that one or more of the

1 members representing their respective  
2 States have been killed or incapacitated;  
3 and

4 (ii) the President certifies, based upon  
5 the certifications made under clause (i),  
6 that, in the aggregate, one-fourth of the  
7 members of the House of Representatives  
8 have been killed or incapacitated.

9 (b) SENATE.—

10 (1) IN GENERAL.—In the event that one-fourth  
11 of the members of the Senate are killed or incapacitated,  
12 the legislature of each State may enact such  
13 laws declaring who shall serve in the place of incapacitated  
14 members as the State determines necessary.  
15

16 (2) OPTIONS.—Any law enacted under paragraph (1) by the legislature of a State may provide  
17 for—  
18

19 (A) appointment by the governor or legislature of the State;  
20

21 (B) appointment pursuant to a list of successors created by the incumbent member of the  
22 Senate; or  
23

24 (C) such other procedures as the legislature of the State determines appropriate.  
25

1           (3) INCAPACITY.—A member that has been in-  
2       capacitated may reclaim his or her office at any time  
3       after such member determines that he or she is no  
4       longer incapacitated.

5           (4) DETERMINATION.—One-fourth of the mem-  
6       bers of the Senate shall be considered to have been  
7       killed or incapacitated if—

8           (A) the Majority Leader of the Senate (or  
9       that person's designee) makes a joint declara-  
10      tion with the Minority Leader of the Senate (or  
11      that person's designee) that one-fourth of such  
12      members have been killed or incapacitated; or

13          (B) if—

14           (i) the governors of the several States  
15      individually certify that one or more of the  
16      members representing their respective  
17      States have been killed or incapacitated;  
18      and

19           (ii) the President certifies, based upon  
20      the certifications made under clause (i),  
21      that, in the aggregate, one-fourth of the  
22      members of the Senate have been killed or  
23      incapacitated.

1 **SEC. 3. LIMITATION.**

2       Nothing in this Act shall limit the authority of any  
3 State under the Constitution of the United States to fill  
4 a vacancy in the House of Representatives or the Senate.

5 **SEC. 4. EFFECTIVE DATE.**

6       This Act shall take effect upon the date of ratification  
7 of the related amendment to the Constitution of the  
8 United States authorizing this Act.